

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAHMARI BUTLER,

Plaintiff,

v.

D. BAKER, *et al.*,

Defendants.

Case No. 2:23-cv-00565-JDP (PC)

ORDER THAT PLAINTIFF SHOW CAUSE  
WHY HIS APPLICATION TO PROCEED  
IN FORMA PAUPERIS SHOULD NOT BE  
DENIED AND HE BE DIRECTED TO PAY  
THE ENTIRE FILING FEE


ECF No. 2

Plaintiff, a state prisoner, brings this § 1983 action and concurrently has applied to proceed *in forma pauperis*, ECF No. 2. I have reviewed his prison trust fund account statement, and it appears that he has sufficient funds to cover the filing fee. His account statement indicates that he has an available balance of \$10,261, which is more than enough to cover the \$402 filing fee. But before recommending that plaintiff's application be denied, I will give him an opportunity to respond to this order and to explain why he cannot both pay the filing fee and still afford his necessities. *See Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015) ("An affidavit in support of an IFP application is sufficient where it alleges that the affiant cannot pay the court costs and still afford the necessities of life.").

1 Accordingly, it is ORDERED that within twenty-one days of this order's entry plaintiff  
2 may respond to this order and explain why he should still be allowed to proceed *in forma*  
3 *pauperis*. If he fails to do so, I will recommend that plaintiff's application be denied, and he be  
4 directed to pay the full filing fee.

5  
6 IT IS SO ORDERED.

7  
8 Dated: April 5, 2023

  
JEREMY D. PETERSON  
UNITED STATES MAGISTRATE JUDGE